

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JAMES WILSON and DEPARTMENT OF THE NAVY,
MARE ISLAND NAVAL SHIPYARD, Vallejo, Calif.

*Docket No. 97-81; Submitted on the Record;
Issued October 15, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
WILLIE T.C. THOMAS

The issue is whether appellant has established a recurrence of disability for the period March 30 to June 20, 1995 causally related to his employment injury.

In the present case, appellant filed a claim on December 12, 1991 alleging that he sustained a wrist injury causally related to factors of his federal employment as a machinist.¹ The Office of Workers' Compensation Programs accepted the claim for a right wrist tendinitis. Appellant was paid compensation through November 30, 1992, with a reduction for actual earnings in private employment. He continued to work in private employment.

On April 15, 1995 appellant filed a notice of recurrence of disability. Appellant indicated that he had not worked for a period of time, then returned to private employment on February 6, 1995, and pain in his right arm returned. He filed a claim for compensation (Form CA-7) for the period commencing March 30, 1995.

In a decision dated September 22, 1995, the Office denied the claim for the period March 30 to June 20, 1995.² By decision dated July 1, 1996, the Office denied a request for reconsideration without review of the merits of the claim.

The Board has reviewed the record and finds that appellant has not established a recurrence of disability for the period March 30 to June 20, 1995.

A person who claims a recurrence of disability due to an accepted employment-related injury has the burden of establishing by the weight of the substantial, reliable, and probative evidence that the disability for which she claims compensation is causally related to the accepted

¹ The record indicates that appellant's employment had been terminated in September 1990.

² The Office authorized compensation payments effective June 21, 1995.

injury. This burden of proof requires that a claimant furnish medical evidence from a physician who, on the basis of a complete and accurate factual and medical history, concludes that the disabling condition is causally related to the employment injury and supports that conclusion with sound medical reasoning.³

In a report dated June 21, 1995, Dr. Howard F. Shortley, an orthopedic surgeon, indicated that he had not seen appellant in two and a half years. Dr. Shortley provided results on examination and stated that appellant had never really recovered from his original disability. In a letter dated August 14, 1995, the Office sought clarification from Dr. Shortley regarding disability during the period March 30 to June 20, 1995.⁴ The response from Dr. Shortley dated August 22, 1995 is of little probative value because it does not offer an opinion on the issue presented. Dr. Shortley stated that although appellant complained of pain in the wrist, there were no objective findings of any wrist disease. He further stated, "Until I can determine the status of the fact whether he was disabled and there was some objective finding, I claimed that he was disabled and this still may be so, but I now can find no objective sign of any disability that the patient has. Therefore, I leave it up to you to determine as to whether he was disabled for his wrist condition during this three-month period of time."

Dr. Shortley does not offer a reasoned opinion as to whether appellant was disabled for his machinist position during the period March 30 to June 20, 1995, and his report is not sufficient to establish entitlement to compensation during this period.

The remainder of the medical evidence is also of diminished probative value as to disability during the specific period claimed. Appellant was referred by the Office to Dr. Gerald W. Cady, an orthopedic surgeon, for evaluation of his continuing condition, but Dr. Cady does not specifically discuss the period March 30 to June 20, 1995 in his March 25, 1996 report. The record contains a form report (Form CA-20a) dated April 15, 1996, which indicates that the period of compensation claimed was from April 1, 1995, but the report does not provide a reasoned opinion relating disability from that date to the employment injury.⁵

The Board therefore finds that appellant has not established that he was disabled from his date-of-injury job during the period March 30 to June 20, 1995 causally related to his federal employment.

³ *Robert H. St. Onge*, 43 ECAB 1169 (1992); *Dennis J. Lasanen*, 43 ECAB 549 (1992).

⁴ In the August 14, 1995 letter, the Office noted that a form report (Form CA-20) from Dr. Shortley had indicated a period of disability commencing March 30, 1995, but that it was not clear who had provided these dates since they appeared to be written with a different pen.

⁵ The checking of a box "yes" is of little probative value without additional explanation and detail; *see Barbara J. Williams*, 40 ECAB 649, 656 (1989).

The decisions of the Office of Workers' Compensation Programs dated July 1, 1996 and September 22, 1995 are affirmed.

Dated, Washington, D.C.
October 15, 1998

Michael J. Walsh
Chairman

George E. Rivers
Member

Willie T.C. Thomas
Alternate Member